

Introduced by Senator Schiff

(Principal coauthor: Assembly Member Machado)

February 24, 2000

An act to amend Sections 30061, 30062, 30063, and 30064.1 of the Government Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1936, as introduced, Schiff. Supplemental local law enforcement funding.

(1) Existing law establishes in each county treasury a Supplemental Law Enforcement Services Fund (SLESF) and requires that moneys from this fund be allocated to counties and cities located within a county in accordance with specified requirements for, among other things, front line law enforcement services.

This bill would revise the requirements for an allocation to a county that includes a newly incorporated city, as specified, and would require that funds be expended no later than June 30 of the following fiscal year.

(2) Existing law requires the county auditor and the city treasurer to file a written, public report with the Supplemental Law Enforcement Oversight Committee (SLEOC) on or before the date of the duly noticed public hearing held in September in each year for the purpose of considering requests for money from the fund. A summary of these annual reports is required to be submitted by the SLEOC to the Controller on or before October 15, 1998, and each year thereafter.

This bill instead would require that the written, public report be filed with the SLEOC at least 30 days prior to the date of the duly noticed public hearing and that the summary be submitted to the Controller on or before August 15, 2001, and each year thereafter. The bill would also require a county, a city, or a city and county that fails to submit the required data or expend the SLESF moneys to forfeit its allocation, as specified, and would authorize a local law enforcement agency to submit the required data to the Controller if the SLEOC fails to do so pursuant to these provisions.

(3) Existing law provides that these provisions governing supplemental local law enforcement funding shall become inoperative on July 1, 2000, and are repealed as of January 1, 2001.

This bill would extend the operation of these provisions to July 1, 2005, and would repeal them as of January 1, 2006.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30061 of the Government Code
2 is amended to read:

3 30061. (a) There shall be established in each county
4 treasury a Supplemental Law Enforcement Services
5 Fund (SLESF), to receive all amounts allocated to a
6 county for purposes of implementing this chapter.

7 (b) In any fiscal year for which a county receives
8 money to be expended for the implementation of this
9 chapter, the county auditor shall allocate moneys in the
10 county's Supplemental Law Enforcement Services Fund
11 (SLESF), including any interest or other return earned
12 on the investment of those moneys, within 30 days of the
13 deposit of those moneys into the fund, and shall allocate
14 those moneys in accordance with the following
15 requirements:

16 (1) Twelve and one-half percent to the county sheriff
17 for county jail construction and operation. In the case of



1 Madera, Napa, and Santa Clara Counties, this allocation
2 shall be made to the county director or chief of
3 corrections.

4 (2) Twelve and one-half percent to the district
5 attorney for criminal prosecution.

6 (3) Seventy-five percent to the county and the cities
7 within the county, and, in the case of the San Mateo, Kern,
8 Siskiyou, and Contra Costa Counties, also to the
9 Broadmoor Police Protection District, the Bear Valley
10 Community Services District, the Stallion Springs
11 Community Services District, the Lake Shastina
12 Community Services District, and the Kensington Police
13 Protection and Community Services District, in
14 accordance with the relative population of the cities
15 within the county and the unincorporated area of the
16 county, and the Broadmoor Police Protection District in
17 the County of San Mateo, the Bear Valley Community
18 Services District and the Stallion Springs Community
19 Services District in Kern County, the Lake Shastina
20 Community Services District in Siskiyou County, and the
21 Kensington Police Protection and Community Services
22 District in Contra Costa County, as specified in the most
23 recent January estimate by the population research unit
24 of the Department of Finance. *For a newly incorporated*
25 *city whose population estimate is not published by the*
26 *Department of Finance but which was incorporated*
27 *prior to July 1 of the fiscal year in which an allocation from*
28 *the SLESF is to be made, the city manager, or an*
29 *appointee of the legislative body, if a city manager is not*
30 *available, and the county administrative or executive*
31 *officer shall prepare a joint notification to the*
32 *Department of Finance and the county auditor with a*
33 *population estimate reduction of the unincorporated*
34 *area of the county equal to the population of the newly*
35 *incorporated city by July 15, or within 15 days after the*
36 *Budget Act is enacted of the fiscal year in which an*
37 *allocation from the SLESF is to be made. No person*
38 *residing within the Broadmoor Police Protection District,*
39 *the Bear Valley Community Services District, the Stallion*
40 *Springs Community Services District, the Lake Shastina*

1 Community Services District, or the Kensington Police
2 Protection and Community Services District shall also be
3 counted as residing within the unincorporated area of the
4 County of San Mateo, Kern, Siskiyou, or Contra Costa, or
5 within any city located within those counties. Moneys
6 allocated to the county pursuant to this subdivision shall
7 be retained in the county SLESF, and moneys allocated
8 to a city pursuant to this subdivision shall be deposited in
9 a SLESF established in the city treasury.

10 (c) Subject to subdivision (d), for each fiscal year in
11 which the county and each city, and the Broadmoor
12 Police Protection District, the Bear Valley Community
13 Services District, the Stallion Springs Community
14 Services District, the Lake Shastina Community Services
15 District, and the Kensington Police Protection and
16 Community Services District, receive moneys pursuant
17 to paragraph (3) of subdivision (b), the county, each city,
18 and each district specified in this subdivision shall
19 appropriate those moneys in accordance with the
20 following procedures:

21 (1) In the case of the county, the county board of
22 supervisors shall appropriate existing and anticipated
23 moneys exclusively to provide front line law enforcement
24 services, other than those services specified in paragraphs
25 (1) and (2) of subdivision (b), in the unincorporated
26 areas of the county, in response to written requests
27 submitted to the board by the county sheriff and the
28 district attorney. Any request submitted pursuant to this
29 paragraph shall specify the front line law enforcement
30 needs of the requesting entity, and those personnel,
31 equipment, and programs that are necessary to meet
32 those needs. The board shall, at a public hearing held in
33 September in each year that the Legislature appropriates
34 funds for purposes of this chapter, consider and
35 determine each submitted request within 60 days of
36 receipt, pursuant to the decision of a majority of a quorum
37 present. The board shall consider these written requests
38 separate and apart from the process applicable to
39 proposed allocations of the county general fund.

1 (2) In the case of a city, the city council shall
2 appropriate existing and anticipated moneys exclusively
3 to fund front line municipal police services, in accordance
4 with written requests submitted by the chief of police of
5 that city or the chief administrator of the law
6 enforcement agency that provides police services for that
7 city. These written requests shall be acted upon by the
8 city council in the same manner as specified in paragraph
9 (1) for county appropriations.

10 (3) In the case of the Broadmoor Police Protection
11 District within the County of San Mateo, the Bear Valley
12 Community Services District or the Stallion Springs
13 Community Services District within Kern County, the
14 Lake Shastina Community Services District within
15 Siskiyou County, or the Kensington Police Protection and
16 Community Services District within Contra Costa
17 County, the legislative body of that special district shall
18 appropriate existing and anticipated moneys exclusively
19 to fund front line municipal police services, in accordance
20 with written requests submitted by the chief
21 administrator of the law enforcement agency that
22 provides police services for that special district. These
23 written requests shall be acted upon by the legislative
24 body in the same manner specified in paragraph (1) for
25 county appropriations.

26 (d) For each fiscal year in which the county, a city, or
27 the Broadmoor Police Protection District within the
28 County of San Mateo, the Bear Valley Community
29 Services District or the Stallion Springs Community
30 Services District within Kern County, the Lake Shastina
31 Community Services District within Siskiyou County, or
32 the Kensington Police Protection and Community
33 Services District within Contra Costa County receives
34 any moneys pursuant to this chapter, in no event shall the
35 governing body of any of those recipient agencies
36 subsequently alter any previous, valid appropriation by
37 that body, for that same fiscal year, of moneys allocated
38 to the county or city pursuant to paragraph (3) of
39 subdivision (b).

(e) Funds received pursuant to subdivision (b) shall be expended in accordance with the provisions of this chapter no later than June 30 of the following fiscal year. A local agency that has not met this requirement shall remit unspent SLESF moneys to the Controller for deposit into the General Fund.

(f) In the event that a county, a city, a city and county, or a qualifying special district does not comply with the requirements of this chapter to receive an SLESF allocation, the Controller shall revert those funds to the General Fund.

SEC. 2. Section 30062 of the Government Code is amended to read:

30062. (a) Except as required by paragraphs (1) and (2) of subdivision (b) of Section 30061, moneys allocated from a ~~SLESF~~—*Supplemental Law Enforcement Services Fund (SLESF)* to a recipient entity shall be expended exclusively to provide front line law enforcement services. These moneys shall supplement existing services, and shall not be used to supplant, any existing funding for law enforcement services provided by that entity.

(b) In the Counties of Los Angeles, Orange, and San Diego only, the district attorney may, in consultation with city attorneys in the county, determine a prorated share of the moneys received by the district attorney pursuant to this section to be allocated to city attorneys in the county in each fiscal year to fund the prosecution by those city attorneys of misdemeanor violations of state law.

(c) In no event shall any moneys allocated from a ~~the~~ county's SLESF be expended by a recipient agency to fund either of the following:

(1) Administrative overhead costs in excess of 0.5 percent of a recipient entity's SLESF allocation for that year.

(2) The costs of any capital project or construction project funded from moneys allocated pursuant to paragraph (3) of subdivision (b) of Section 30061 that does not directly support front line law enforcement services.

1 (d) For purposes of subdivision (c), both of the
2 following shall apply:

3 (1) A “recipient agency” or “recipient entity” is that
4 entity that actually incurs the expenditures of SLESF
5 funds allocated pursuant to paragraph (1), (2), or (3) of
6 subdivision (b) of Section 30061.

7 (2) Administrative overhead costs shall only be
8 charged by the recipient entity, as defined in paragraph
9 (1), up to the 0.5 percent of its SLESF allocation.

10 (e) For purposes of this chapter, “front line law
11 enforcement services” and “front line municipal police
12 services” each include antigang and community crime
13 prevention programs.

14 SEC. 3. Section 30063 of the Government Code is
15 amended to read:

16 30063. (a) The Supplemental Law Enforcement
17 Services Fund (SLESF) in each county or city is to be
18 expended exclusively as required by this chapter. Moneys
19 in that fund shall not be transferred to, or intermingled
20 with, the moneys in any other fund in the county or city
21 treasury, except that moneys may be transferred from the
22 SLESF to the county’s or city’s general fund to the extent
23 necessary to facilitate the appropriation and expenditure
24 of those transferred moneys in the manner required by
25 this chapter.

26 (b) Moneys in a SLESF may only be invested in safe
27 and conservative investments in accordance with those
28 standards of prudent investment applicable to the
29 investment of trust moneys. The treasurer of the county
30 and each city shall provide a monthly SLESF investment
31 report to either the police chief or the county sheriff and
32 district attorney, as applicable.

33 (c) Each year, ~~on or before~~ at least 30 days prior to the
34 date of the duly noticed public hearing required pursuant
35 to paragraph (1) of subdivision (c) of Section 30061, the
36 county auditor and city treasurer shall detail and
37 summarize allocations from the county’s or city’s SLESF,
38 as applicable, in a written, public report filed with the
39 Supplemental Law Enforcement Oversight Committee
40 (SLEOC), the county board of supervisors or city council,

1 as applicable, for the entirety of the immediately
2 preceding fiscal year, and the county sheriff or police
3 chief, as applicable.

4 (d) A summary of the annual reports required in
5 subdivision (c) shall be submitted in a standardized
6 format to be developed by the Controller, in conjunction
7 with the California District Attorney's Association,
8 California Police Chief's Association, California State
9 Sheriff's Association, California Peace Officer's
10 Association, California County Auditor's Association, and
11 California Municipal Treasurer's Association, by each
12 SLEOC to the Controller on or before ~~October 15, 1998~~
13 *August 15, 2001*, and each year thereafter. Upon request,
14 the Controller shall make a copy of the summarized
15 reports available to the Governor and the Legislature.

16 (e) *A county, a city, or a city and county that fails to*
17 *submit the data required pursuant to subdivision (d) or*
18 *fails to expend the SLESF moneys provided by the date*
19 *specified in subdivision (d) of Section 30061 shall forfeit*
20 *its allocation provided pursuant to Section 30061 for the*
21 *subsequent fiscal year. The Controller shall reduce the*
22 *affected county's allocation by the appropriate amount*
23 *and shall identify the county, city, or city and county and*
24 *the corresponding amount reduced for the affected local*
25 *agency. Funds not allocated pursuant to this subdivision*
26 *shall revert to the General Fund.*

27 (f) *Notwithstanding subdivision (e), if the*
28 *Supplemental Law Enforcement Oversight Committee*
29 *(SLEOC) fails to transmit the data to the Controller*
30 *required pursuant to subdivision (d), the local law*
31 *enforcement agency may submit its expenditure data*
32 *directly to the Controller no later than 15 days after the*
33 *date specified in subdivision (d). If the local law*
34 *enforcement agency has complied with other*
35 *requirements in this chapter, it shall be eligible for an*
36 *allocation the subsequent fiscal year. However, the*
37 *Controller shall reduce the SLESF allocation to the*
38 *sheriff and district attorney and the cities represented in*
39 *the SLEOC, and shall reduce the allocation to all the local*
40 *law enforcement agencies that failed to provide the*

1 *expenditure data within the 15 days. Funds not allocated*
2 *pursuant to this subdivision shall revert to the General*
3 *Fund.*

4 SEC. 4. Section 30064.1 of the Government Code is
5 amended to read:

6 30064.1. (a) It is the intent of the Legislature that at
7 least one hundred million dollars (\$100,000,000) be
8 appropriated in fiscal years—1998–1999—and—1999–2000
9 2000–01, 2001–02, 2002–03, 2003–04, and 2004–05 for the
10 purpose of funding the provisions of this chapter.

11 (b) This chapter shall become inoperative on July 1,
12 2000 2005, and, as of January 1, 2001 2006, is repealed,
13 unless a later enacted statute, which becomes effective on
14 or before January 1, 2001 2006, deletes or extends the
15 dates on which it becomes inoperative and is repealed.

16 SEC. 5. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or
18 safety within the meaning of Article IV of the
19 Constitution and shall go into immediate effect. The facts
20 constituting the necessity are:

21 In order to provide for the preservation and
22 enhancement of public safety through the
23 implementation of the provisions of this bill, as they relate
24 to COPS funds expenditures, at the earliest possible time,
25 it is necessary for this act to take effect immediately.

